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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4693 of 1998

Between:

M/s Sai Latha Wines, L.No.20,Shop No.3 Malkajigiri, R.R.District, Rep.by its
C.Malles Goud, S/o Agamaiah
R/o H.No.6-14 Malkajigiri, Hyderabad.

..... PETITIONER

AND

- 1 The Managing Director A.P.Beverages Corporation Ltd.,
H.No.11-5-423/1/A Lakdi-ka-pool, OPP:Singarani Collieries,
Hyderabad.
- 2 The Govt. of A.P. Rep. by Commercial Tax Officer,
Malkajigiri, R.R. District.
- 3 The Govt.of A.P. Rep. by Commissioner of Commercial Taxes,
Ci & Excise Complex, M.J.Road,
Hyderabad.
- 4 The District Manager, LML Depot,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue Writ of Mandamus declaring the action of 1st Respondent Lr.No.APBCL/C2/55/97,dt.11-2-98 issuing the directions to the 4th Respondent not to issue stocks as illegal, arbitrary and against the principals of natural justice and consequently direct the 1st Respondent not to insist the payment of Sales tax on gross purchasing instead of sales and pass such other orders.

Counsel for the Petitioner:MR.CHAYANAM RAVINDRANATH

Counsel for the Respondent Nos.2 to 4: G.P. FOR COMMERCIAL TAXES

Counsel for the Respondent No.1:None appeared

The Court made the following Order:

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ORDER:

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The petitioner seeks a Writ of Mandamus declaring the action of the 1st respondent in issuing proceedings dated 11.2.1998 directing the 4th respondent not to issue stocks, as illegal and arbitrary and consequently direct the 1st respondent not to insist upon the payment of sales tax on gross purchasing instead of sales.

The case of the petitioner is that he obtained licence to carry on liquor business and as the business was not encouraging he could not pay the sales tax. It is stated that the 1st respondent is insisting upon clearance certificate from the Sales Tax department to get the stocks released. Hence, the writ petition.

Though the writ petition was admitted on 20.2.1998, this Court declined to grant any interim order. Now after lapse of about six years, I do not think that the cause in this writ petition survives requiring any further adjudication.

The writ petition is accordingly dismissed. No costs.

8.12.2004

Gsn.

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Hyderabad.
- 4 The District Manager, LML Depot,

Hyderabad.

5 Two CCs to G.P. for Commercial Taxes, High court of A.P.,

Hyderabad (OUT)

6 Two CD copies.

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THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

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